

## **REMARKS**

Claims 1, 3-8, 10, 11, 13-18, 20, 21, 23, 25 and 26 have been amended. Claims 9, 12, 19 and 22 have been canceled. No claims have been added. Therefore, claims 1-8, 10, 11, 13-18, 20, 21 and 23-27 remain pending in the application. Reconsideration is respectfully requested in view of the following remarks.

### **Oath/Declaration:**

The Examiner asserts that the oath or declaration is defective because “[i]t does not include the inventor’s signature, or the inventor’s signature is in the wrong place.” Applicants note that a proper declaration has been filed for inventors Goldfield, Scarvie, and Haseyama. Applicants also note that a petition under 37 CFR 1.47(a) was granted on December 22, 2004 in regard to David Murray, the non-signing inventor. Accordingly, Applicants assert the Oath/Declaration is not defective.

### **Section 101 Rejection:**

The Examiner rejected claims 11-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection for at least the following reasons.

In regard to claim 11, Applicant asserts claim 11 recites a practical application with a useful, concrete and tangible result. For example, the computer-implemented method includes “presenting the particular help information according to the determined presentations mode” which is clearly a useful, concrete and tangible result. Accordingly, withdrawal of the § 101 rejection is respectfully requested.

### **Section 112, Second Paragraph, Rejection:**

The Examiner rejected claims 8 and 17 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully traverse this rejection for at least the following reasons.

In regard to claim 8, Applicants assert claim 8 has been amended to include a “display mode.” Accordingly, Applicants respectfully request removal of the § 112 rejection of claim 8.

In regard to claim 17, Applicants assert claim 17 does not recite a “display presentation mode” and instead recites a “display mode.” Accordingly, the Examiner’s rejection of this claim is improper. Applicants respectfully request removal of the § 112 rejection of claim 17.

### **Section 103(a) Rejection:**

The Examiner rejected claims 1-27 under 35 U.S.C. § 103(a) as being unpatentable over Weinlaender (U.S. Publication 2002/0015056) in view of Garber et al. (U.S. Patent 4,905,163) (hereinafter “Garber”). Applicants respectfully traverse this rejection for at least the following reasons.

#### **Claim 1**

In regard to claim 1, Weinlaender in view of Garber fails to teach or suggest maintaining a user help knowledge base, wherein said maintaining comprises creating a plurality of data entries, wherein each data entry of said plurality of data entries comprises data indicating: (a) help information presented to a user by said software application in response to a selection of a help information file comprising the help information, (b) a presentation mode selected by the user, wherein said help information is presented to the user according to said presentation mode selected by the user, and (c)

an application context, wherein the application context is a portion of said software application executing during said selection of the help information file.

Weinlaender does disclose a “user profile data set” that stores “help topic data sets (130) and/or the frequency and/or the type of a user’s access to utilization function of a software program” (Abstract). Similarly, in column 7, lines 40-44, Garber disclose “...the User Modeling system might be used to examine an individual’s user history, determine what concepts are not understood and select a presentation mode best able to communicate those concepts.” However, neither Garber’s “user history” nor Weinlaender’s “user profile data set” contain a plurality of data entries according to the specific limitations of claim 1. More specifically, Garber and Weinlaender, taken singly or in combination, fail to teach or suggest anything at all about data entries comprising data that indicates an application context, wherein the application context is a portion of said software application executing *during said selection of the help information file*.

Additionally, Garber and Weinlaender do not teach or suggest selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base, where that entry includes previously selected help information, presentation mode, and application context, as recited in claim 1. The Examiner cites paragraph [0009] and paragraph [0013] of Weinlaender. In paragraph [0009], Weinlaender specifically discloses that his help system “selects help topic data sets” “wherein this selection is dynamically dependent on a user’s actual access frequency and actual types of access” (emphasis added). However, neither access frequency nor types of access is the same as an application context, wherein the application context is a portion of said software application executing *during said selection of the help information file*. In paragraph [0013], Weinlaender provides examples of the “types of access” recorded in his user profile data set including “types of activated user functions; the data types processed by the activated user functions; and the user’s dialog techniques to activate the user functions,” none of which are the same as an application context, wherein the application context is a portion of said software application executing *during said selection of the help information file*.

Further in regard to claim 1, Garber and Weinlaender do not teach or suggest determining a presentation mode for the additional help information based on said particular entry of the user knowledge base, where that entry includes previously selected help information, presentation mode, and application context, as recited in claim 1. The Examiner cites column 7, lines 7-27 of Garber reproduced below:

The presentation modes described above are enhanced by the addition of a preferred User Modeling system which provides a set of data structures and a methodology to allow a system to monitor a user's responses and to modify interaction with a user depending upon responses. For example, a system might determine that a user often requests information in a visual form and almost never requests a graphic form. When several forms are available, the system might present information initially in a visual form to match the user's typical preferences.

While Garber does disclose that his system may “modify interaction with a user depending upon responses,” Garber clearly fails to mention anything at all about entries of a user knowledge base comprising data indicating an application context, wherein the application context is a portion of said software application executing *during said selection of the help information file* according to the specific limitations of claim 1.

Furthermore, Applicants assert the Examiner has not stated a proper reason as to why one of ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Applicant's invention as claimed. The Examiner asserts “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user's typical preferences (Garber: Column 7, lines 27-37).” However, as demonstrated above, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no motivation at to combine their teachings to “allow help information to be presented in a mode according to the user's typical

preferences”, much less create Applicant’s invention as claimed. The Examiner is merely attempting to reconstruct Applicant’s claimed invention through hindsight analysis.

Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion or reason to make the combination.

Thus, for at least the reasons presented above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 21.

### **Claim 11**

In regard to claim 11, Weinlaender in view of Garber fails to teach or suggest selecting particular help information for presentation to a user based on (a) a user help knowledge base comprising data indicating (i) help information previously accessed by the user, (ii) a previous presentation mode, wherein the previous presentation mode is associated with said help information previously accessed by the user, and (iii) an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user; and (b) a current application context that indicates a portion of the software application currently executing.

As demonstrated above with respect to claim 1, Weinlaender does disclose a “user profile data set” that stores “help topic data sets (130) and/or the frequency and/or the type of a user’s access to utilization function of a software program” (Abstract). Similarly, in column 7, lines 40-44, Garber disclose “...the User Modeling system might be used to examine an individual’s user history, determine what concepts are no

understood and select a presentation mode best able to communicate those concepts.” However, neither Garber’s “user history” nor Weinlaender’s “user profile data set” indicate information previously accessed by a user, a previous presentation mode and an application context according to the specific limitations of claim 11. More specifically, Garber and Weinlaender, taken singly or in combination, fail to teach or suggest anything about a user help knowledge base that indicates an application context, wherein the application context is a portion of said software application executing *during said selection of the help information file*. Furthermore, neither Weinlaender nor Garber, taken singly or in combination, fail to teach or suggest selecting particular help information for presentation to a user based on a user help knowledge base (which indicates an application context, wherein the application context is a portion of the software application executing during a selection of said help information previously accessed by the user) and a *current* application context that indicates a portion of the software application *currently* executing.

The Examiner cites paragraph [0009] and paragraph [0013] of Weinlaender. In paragraph [0009], Weinlaender specifically discloses that his help system “selects help topic data sets” “wherein this selection is dynamically dependent on a user’s actual access frequency and actual types of access” (emphasis added). However, neither access frequency nor types of access is the same as an application context, wherein the application context is a portion of said software application executing *during said selection of the help information file*. Furthermore, neither access frequency nor types of access is the same as a *current* application context that indicates a portion of the software application *currently* executing. In paragraph [0013], Weinlaender provides examples of the “types of access” recorded in his user profile data set including “types of activated user functions; the data types processed by the activated user functions; and the user’s dialog techniques to activate the user functions,” none of which are the same as an application context nor a *current* application context according to the specific limitations of claim 11.

Furthermore, Applicants assert the Examiner has not stated a proper reason as to why one of ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Applicant's invention as claimed. The Examiner asserts "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user's typical preferences (Garber: Column 7, lines 27-37)." However, as demonstrated above, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no motivation at to combine their teachings to "allow help information to be presented in a mode according to the user's typical preferences" much less create Applicant's invention as claimed. The Examiner is merely attempting to reconstruct Applicant's claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 11 is unsupported by the cited art and removal thereof is respectfully requested.

### **Claim 26**

In regard to claim 26, Weinlaender in view of Garber fails to teach or suggest determining a priority for presentation of the help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information and presenting the selected help information according to the determined presentation mode and said priority. The Examiner cites paragraphs [0009] and [0013] of Weinlaender as well as column 7, lines 27-37, none of which teach the specific limitations of claim 26. As demonstrated above, Weinlaender does disclose "user profile data set" that stores "help topic data sets (130) and/or the frequency and/or the type of a user's access to utilization function of a software program;" however, Weinlaender fails to mention anything at all about determining a priority for his help

topic data sets, much less determining a priority for presentation of help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information and presenting the selected help information according to the determined presentation mode and said priority. Additionally, while Garber discloses a system that may “modify interaction with a user depending upon responses” (*see e.g.*, column 7, lines 27-37), Garber fails to mention anywhere that such interaction may include determining a priority for presentation of help information *based on one or more help rules*, wherein said priority indicates an order of presentation for different portions of said help information and presenting the selected help information according to the determined presentation mode and said priority.

Furthermore, Applicants assert the Examiner has not stated a proper reason as to why one of ordinary skill in the art would combine the teachings of Garber with the teachings of Weinlaender to produce Applicant’s invention as claimed. The Examiner asserts “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to the user’s typical preferences (Garber: Column 7, lines 27-37).” However, as demonstrated above, column 7, lines 27-37 of Garber fail to mention anything at all about help information. Similarly, Weinlaender fails to mention anything about multiple presentation modes. Since Weinlaender fails to mention anything about multiple presentation modes and Garber fails to mention anything at all about help information, one of ordinary skill in the art would have no motivation at to combine their teachings to “allow help information to be presented in a mode according to the user’s typical preferences” much less create Applicant’s invention as claimed. The Examiner is merely attempting to reconstruct Applicant’s claimed invention through hindsight analysis.

Thus, for at least the reasons presented above, the rejection of claim 26 is unsupported by the cited art and removal thereof is respectfully requested.



#### **Claim 4**

In regard to claim 4, Weinlaender in view of Garber fails to teach or suggest prioritizing the additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application. The Examiner cites paragraphs [0009], [0026] and [0027] of Weinlaender. In paragraph [0009], Weinlaender discloses that his help system “selects help topic data sets” “wherein this selection is dynamically dependent on a user’s actual access frequency and actual types of access.” While Weinlaender describes the elements on which the selection of help topic data sets is dependent, Weinlaender fails to mention anything at all about prioritizing help information for presentation, much less prioritizing the additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application. In paragraphs [0026] and [0027], Weinlaender describes the layout of his “help startup page 120.” While Weinlaender disclose a first group of help topics and a second group of help topics, both groups of help topics are displayed on the same startup page. Furthermore, paragraph [0026]-[0027] fail to mention anything at all about help rules, much less prioritizing the additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application. Neither Weinlaender nor Garber, taken singly or in combination, teach or suggest the specific limitations of claim 4.

Thus, for at least the reasons presented above, the rejection of claim 4 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 14.

#### **Claim 5**

In regard to claim 5, Weinlaender in view of Garber fails to teach or suggest wherein selecting additional help information for presentation comprises selecting help

information from third-party service providers based on the user help knowledge base. The Examiner acknowledges that Weinlaender does not teach this limitation. The Examiner cites page 4, paragraph [0039] of Weinlaender, which discloses computer networks including the Internet, and asserts the limitations of claim 5 are obvious in light of such disclosure. The Examiner further asserts that “[t]he skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected.” First, the Examiner has not provided any documentary evidence in support of his assertion. Furthermore, whether or not various modifications *could* be allowed via computer networks is irrelevant as the Examiner has not provided any reason as to *why* one of ordinary skill in the art would be motivated to use such modifications to alter the teachings of Weinlaender and Garber in a way that would result in Applicant’s claimed invention.

Thus, for at least the reasons presented above, the rejection of claim 5 is unsupported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claim 15.

### **Claim 25**

In regard to claim 25, Weinlaender in view of Garber fails to teach or suggest wherein the system further comprises a network interface accessible to the processor, and wherein the help module further comprises a communication interface to a server for communications with a third party service provider, wherein the help module is further configured to request information from the third party service provider and to receive the information through the communication interface. The Examiner admits that Weinlaender does not disclose this limitation. The Examiner cites page 4, paragraph [0039] of Weinlaender, which discloses computer networks including the Internet, and asserts the limitations of claim 25 are obvious in light of such disclosure. The Examiner asserts that “[t]he skilled artisan knows that computer networks based on communication via the Internet (third party server) require a communication interface that would allow for the help module to request and receive information.” First, the Examiner has not

provided any documentary evidence in support of his assertion. Furthermore, whether or not various modifications *could* be allowed via computer networks is irrelevant as the Examiner has not provided any reason as to *why* one of ordinary skill in the art would be motivated to use such modifications to alter the teachings of Weinlaender and Garber in a way that would result in Applicant's claimed invention. The rejection of claim 25 is not supported by any actual evidence of record.

Thus, for at least the reasons presented above, the rejection of claim 25 is unsupported by the cited art and removal thereof is respectfully requested.

## **CONCLUSION**

Applicants respectfully submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6034-04500/RCK.

Respectfully submitted,

/Robert C. Kowert/  
Robert C. Kowert, Reg. #39,255  
Attorney for Applicants

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

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